IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
SECOND APPEAL NO.482 OF 2003.

Murlidhar Shankar Chaskar ..Appellant

Versus

Sambhaji Darku Chaskar
since deceased through his legal heirs
Ankush Sambhaji Chaskar & Ors. ..Respondents

Mr.A.A.Garge for the appellant

CORAM: S.R.SATHE, J.

DATE : 23rd June, 2005

P.C.

1. Heard learned Advocate for the Appellant. The Plaintiff's suit for injunction was decreed in his favour. However, the First Appellate Court has dismissed the claim holding that the Plaintiff has failed to prove that the Defendant has no right to take water out of the suit well. Though prayer was made regarding mandatory injunction for removal of the electric meter installed on the well, the Appellate Court found that the said meter was installed about several years back and since then the Plaintiff has not taken any action. The First Appellate Court has also taken into consideration the admissions given by P.W.2 wherein he has clearly admitted that the Defendant is having right to take water.

2. Appreciation of evidence by the First Appellate Court cannot be said to be perverse. No substantial

question of law has been formulated and there is in fact no substantial question of law involved. Hence appeal is dismissed in limini.

(S.R.SATHE, J.)